

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-05683-MEMF-AFM

Date: June 28, 2023

Title Monica Wellington et al v. Rushmore Loan Management Services, LLC et al

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Present: The Honorable: Maame Ewusi-Mensah Frimpong

Kelly Davis  
Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: Minute Order re Motion to Dismiss and related filings**

Motion to Dismiss (ECF No. 13):

On September 16, 2022, Defendants MTGLQ Investors, LP (“MTGLQ”) and Rushmore Loan Management Services, LLC (“Rushmore”) filed a Motion to Dismiss and Request for Judicial Notice. ECF No. 13; ECF No. 14. Defendants Aldridge Pite LLP (“Aldridge”) and Margaret Lake (“Lake”) joined the Motion to Dismiss. *See* ECF No. 17; ECF No. 20. MTGLQ and Rushmore filed a supplement to their Motion to Dismiss on October 24, 2022. ECF No. 23. On the Court’s own motions, the hearing on the Motion to Dismiss and Request for Judicial Notice was continued multiple times, and eventually set for June 29, 2023. ECF No. 16; ECF No. 22; ECF No. 27.

Plaintiffs Monica Wellington and David Wellington (“Plaintiffs”) filed an Objection to the Motion to Dismiss on February 12, 2023. ECF No. 25 (“Objection”). Plaintiffs’ Objection argued that MTGLQ and Rushmore had failed to meet and confer with Plaintiffs (as required by Local Rule 7-3), and—rather than filing a Motion to Strike—Plaintiffs argued in their Objection that the Court strike the Motion to Dismiss. *See id.* Plaintiffs also raised questions on the legal status of defendant MTGLQ. *See id.* Plaintiffs’ Objection did not raise any substantive arguments as to the Motion to Dismiss, except in one footnote. *See* Objection at 4 n.1.

Plaintiffs filed a Supplement to their Objection on February 17, 2023, which brought to the Court’s attention a tax form related to Rushmore that Plaintiffs argue contradicts Defendants’

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claims, but which similarly did not make substantive arguments as to the Motion to Dismiss. ECF No. 26 (“Supplement to Objection”). In their Supplement to Objection, the Plaintiffs requested that should the Court not strike the Motion to Dismiss, the Court provide notice and provide the Plaintiffs 14 days to respond on the merits. Supplement to Objection at 2. MTGLQ and Rushmore filed a reply that responded to the arguments in the Objection and Supplement to Objection on June 15, 2023. ECF No. 46.

The Court finds that it would not be efficient or in the interest of justice to go forward with the hearing on the Motion to Dismiss until Plaintiffs file briefing regarding any substantive arguments they intend to make against the Motion to Dismiss and Defendants file briefing in response. Accordingly, the hearing on the Motion to Dismiss and Request for Judicial Notice is hereby CONTINUED to July 20, 2023.

Plaintiffs shall have until Thursday, July 6, 2023, to file a substantive opposition to the Motion to Dismiss. Defendants shall have until Monday, July 10, 2023, to file a reply (or separate replies) in response to Plaintiffs’ opposition. Neither party need further address the arguments regarding whether the Motion to Dismiss should be stricken for failure to meet and confer. The Court will address this issue and hear argument on it to the extent necessary on July 20, 2023, alongside the other issues.

Motion to Amend the Complaint (ECF No. 37):

On June 2, 2023, Plaintiffs filed a Motion to Amend the Complaint. ECF No. 37 (“Motion to Amend”). This Motion was noticed for June 29, 2023, the same day the hearing on the Motion to Dismiss was scheduled for. *See id.* Plaintiffs filed the Motion to Amend for a hearing date that was not in compliance with the local rules regarding how much time must pass between filing date and hearing date. *See* ECF No. 39. On June 6, 2023, Plaintiffs filed a Request to Shorten the Time for a Hearing on the Motion to Amend. ECF No. 40. Plaintiffs requested that the Court ordered an accelerated briefing schedule. *See id.* While that request was pending, MTGLQ and Rushmore jointly filed an opposition to the Motion to Amend and Plaintiffs filed a reply. ECF No. 44, ECF No. 45. But Defendants Aldridge and Lake did not file any opposition. It is unclear whether Defendants Aldridge and Lake failed to file an opposition because the Motion to Amend was not in compliance with the local rules or for some other reason.

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As above, the Court finds it would not be efficient or in the interest of justice to hold a hearing on the Motion to Amend until all parties have filed briefing regarding any arguments if they wish. The hearing on the Motion to Amend is hereby CONTINUED to July 20, 2023.

Defendants Aldridge and Lake shall have until Thursday, July 6, 2023, to file opposition(s) to the Motion to Amend, or to join in MTGLQ's and Rushmore's Opposition. Should a further reply be necessary, Plaintiffs shall have until Monday, July 10, 2023, to file a reply in support of the Motion to Amend. With this briefing schedule set, the Request to Shorten the Time for a Hearing on the Motion to Amend (ECF No. 40) is MOOT.

Resources for Self-Represented Parties:

Although the parties are proceeding *pro se*, i.e., without legal representation, they nonetheless are required to comply with Court orders, the Local Rules, and the Federal Rules of Civil Procedure. See C.D. Cal. L.R. 83-2.2.3. The Local Rules are available on the Court's website, <http://www.cacd.uscourts.gov/court-procedures/> local-rules.

The Court cannot provide legal advice to any party, including *pro se* litigants, i.e., parties who are not represented by a lawyer. There is a free “*Pro Se Clinic*” that can provide information and guidance about many aspects of civil litigation in this Court.

- Public Counsel runs a free Federal *Pro Se Clinic* where *pro se* litigants can get information and guidance. The Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, CA 90012 (note that the clinic may not be open for in-person appointments during the pandemic). *Pro se* litigants must call or submit an on-line application to request services as follows: on-line applications can be submitted at <http://prose.cacd.uscourts.gov/los-angeles>, or call (213) 385-2977, ext. 270.
- Public Counsel also has extensive resources for *pro se* litigants at its website located at <https://publiccounsel.org/services/federal-court/>.
- The Court is also informed that the LA Law Library, located across the street from the First Street Courthouse at 301 W. First Street, Los Angeles, CA 90012, also has extensive resources for *pro se* litigants. The LA Law Library can be reached via email at [reference@lalawlibrary.org](mailto:reference@lalawlibrary.org), or via telephone at (213) 785-2513.

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**Initials of Preparer**

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